

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, JUNE 2, 2005**

UNAPPROVED
JUNE 8, 2005

PRESENT: John R. Byers, Mount Vernon District
Frank A. de la Fe, Hunter Mill District
Janet R. Hall, Mason District
James R. Hart, Commissioner At-Large
Nancy Hopkins, Dranesville District
Ronald W. Koch, Sully District
Kenneth A. Lawrence, Providence District
Rodney L. Lusk, Lee District
Peter F. Murphy, Jr., Springfield District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: Walter L. Alcorn, Commissioner At-Large
Suzanne F. Harsel, Braddock District

//

The meeting was called to order at 8:20 p.m. by Chairman Peter F. Murphy, Jr., in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia 22035.

//

COMMISSION MATTERS

Commissioner Hall noted that the Policy and Procedures Committee would meet on Wednesday, June 15, 2005, at 7:30 p.m., in the Board Conference Room to discuss residential parking.

//

Commissioner de la Fe announced that the Transportation Committee had met earlier in the evening and received an update from staff on the Transportation section of the Policy Plan.

//

Chairman Murphy noted that there would be no Planning Commission meetings next week since the Celebrate Fairfax! Fair would be held at the Government Center on Friday, June 10, 2005 through Sunday, June 12, 2005. He said that, as has been done for the past 24 years, the Planning Commission would be selling soft drinks at the fair, this year in a newly designed booth. A video promoting the fair was then broadcast.

//

Architectural Elevations for RZ/FDP 1998-LE-048 – METRO PARK PHASE 6
PARKING GARAGE

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION ADMINISTRATIVELY APPROVE THE ARCHITECTURAL ELEVATION RENDERINGS FOR RZ/FDP 1998-LE-048, METRO PARK PHASE 6 PARKING GARAGE, AND FIND THAT THEY ARE IN CONFORMANCE WITH THE ARCHITECTURAL STYLING STANDARDS AS SPECIFIED IN PROFFER NUMBER 13 OF THE ASSOCIATED APPLICATIONS.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioners Alcorn and Harsel absent from the meeting.

//

Commissioner Koch announced his intent to defer the public hearing on SE 2005-SU-007, Korean Central Presbyterian Church Trustees, from June 29, 2005 to September 21, 2005.

//

Commissioner Murphy MOVED THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON RZ 2004-SP-002, IN THE NAME OF SAM H. CHUNG AND SONG H. CHUNG, TO A DATE CERTAIN OF JULY 21, 2005.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Alcorn and Harsel absent from the meeting.

//

On behalf of Commissioner Alcorn, Commissioner Wilson MOVED TO DEFER THE PUBLIC HEARING ON THE CHESAPEAKE BAY MAP AMENDMENTS TO A DATE CERTAIN OF JUNE 16, 2005.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioners Alcorn and Harsel absent from the meeting.

Commissioner Wilson announced that there would be a public information workshop regarding this case on Thursday, June 23, 2005, at 7:30 p.m., in Conference Rooms 9 and 10, and that the Board of Supervisors' public hearing date was scheduled for July 11, 2005. She distributed a schedule to the Commission with this information.

//

FS-P05-10 – CINGULAR, 8401 Arlington Blvd.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "CONSENT AGENDA ITEM" ON FS-P05-10, IN THE NAME OF CINGULAR, AT 8401 ARLINGTON BOULEVARD.

The motion carried unanimously with Commissioners Alcorn and Harsel absent from the meeting.

//

SEA 94-L-001 – SAUL HOLDINGS LIMITED PARTNERSHIP BY: SAUL CENTERS, INC., GENERAL PARTNER (Decision Only)

(The public hearing on this application was held on May 19, 2005. A complete verbatim transcript of the decision made is in the date file.)

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 94-L-001, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS THAT ARE NOW DATED JUNE 1, 2005.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioners Alcorn and Harsel absent from the meeting.

Commissioner Lusk FURTHER MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE RICHMOND HIGHWAY STREETSCAPE BE MODIFIED TO THAT SHOWN IN THE SEA PLAT AND AS SPECIFIED IN THE PROPOSED DEVELOPMENT CONDITIONS.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioners Alcorn and Harsel absent from the meeting.

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE COMPREHENSIVE PLAN REQUIREMENT FOR DEDICATION OF A RIGHT-OF-WAY ALONG RICHMOND HIGHWAY BE WAIVED.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioners Alcorn and Harsel absent from the meeting.

//

PCA 82-P-069-14 - THE PETERSON COMPANIES, LC
FDPA 82-P-069-01-13 - THE PETERSON COMPANIES, LC
FDPA 82-P-069-08-4 - THE PETERSON COMPANIES, LC
CDPA 82-P-069-07 - THE PETERSON COMPANIES, LC
FDPA 82-P-069-06-8 - THE PETERSON COMPANIES, LC
FDPA 82-P-069-11-3 - THE PETERSON COMPANIES, LC (Decisions Only)
(The public hearings on these applications were held on May 12, 2005. A complete verbatim transcript of the decisions made is in the date file.)

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION APPROVE FDPA 82-P-069-01-13, SUBJECT TO THE PLAN AMENDMENT CONDITIONS CONTAINED IN APPENDIX ONE OF THE STAFF REPORT.

Commissioners Lawrence and Lusk seconded the motion which carried unanimously with Commissioners Alcorn and Harsel absent from the meeting.

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION APPROVE FDPA 82-P-069-08-4, SUBJECT TO THE DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX TWO OF THE STAFF REPORT.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioners Alcorn and Harsel absent from the meeting.

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE CDPA 82-P-069-07, SUBJECT TO THE DEVELOPMENT CONDITION CONTAINED IN APPENDIX FOUR OF THE STAFF REPORT.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioners Alcorn and Harsel absent from the meeting.

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE PCA 82-P-069-14, SUBJECT TO THE PROFFERS CONTAINED IN APPENDIX THREE OF THE STAFF REPORT.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioners Alcorn and Harsel absent from the meeting.

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION APPROVE FDPA 82-P-069-06-8, SUBJECT TO DEVELOPMENT CONDITIONS DATED MAY 31, 2005.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioners Alcorn and Harsel absent from the meeting.

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION APPROVE FDPA 82-P-069-11-3, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MAY 31, 2005.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioners Alcorn and Harsel absent from the meeting.

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE THE MODIFICATION OF THE USE LIMITATION TO THE PDC DISTRICT TO PERMIT THE GROSS FLOOR AREA OF RESIDENTIAL USES TO EXCEED 50 PERCENT OF THE PRINCIPAL USES TO ALLOW 150,000 SQUARE FEET OF RESIDENTIAL USES ASSOCIATED WITH CDPA 82-P-069-07.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioners Alcorn and Harsel absent from the meeting.

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE BOARD APPROVE THE WAIVER OF THE TRANSITIONAL SCREENING REQUIREMENTS BETWEEN THE ON-SITE USES AND ALONG THE SOUTHERN PORTION OF THE SITE AND APPROVE THE WAIVER OF THE BARRIER REQUIREMENTS BETWEEN THE ON-SITE USES AND ALONG THE SOUTHERN PORTION OF THE SITE.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioners Alcorn and Harsel absent from the meeting.

(Note – Several motions on these cases, specifically related to the FDPAs, will be clarified at the June 15th meeting; refer to that Summary for the complete action.)

//

ORDER OF THE AGENDA

In the absence of Secretary Harsel, Chairman Murphy established the following order of the agenda:

1. S05-IV-LP1 – OUT-OF-TURN PLAN AMENDMENT
2. RZ 2004-MV-020 – GUNSTON CENTER LLC

This order was accepted without objection.

//

S05-IV-LP1 - OUT-OF-TURN PLAN AMENDMENT - To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the *Code of Virginia*, Title 15.2, Chapter 22. The Plan Amendment concerns approx. 14 ac. generally located east of Richmond Hwy, west of the RF&P RR tracks, north and south of Furnace Rd (Tax Map 113-3 ((1)) 40, 41). The area is planned for Alternative Uses. The Amendment will consider the extension of public sewer service to include the subject property. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Leanna Hush, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the Out-of-Turn Plan Amendment.

Chairman Murphy called the first listed speaker and recited rules for testimony before the Commission.

Joseph Chudzik, 10916 Harley Road, Mason Neck, spoke in opposition to the application and said the only viable way to protect the Mason Neck area from unwanted development and urban sprawl was to continue the restriction on public sewer. He said that the residents had endeavored to preserve the environmental and historic heritage resources through the planning process and that the Comprehensive Plan and current zoning of this property did not allow for development at this site. Mr. Chudzik submitted a statement made by Mt. Vernon District Supervisor Gerald Hyland at a public hearing in February, 2000 regarding small sewage treatment facilities. (A copy of Mr. Chudzik's remarks and Supervisor Hyland's statement are in the date file.)

In response to a question from Commissioner Koch, Mr. Chudzik and Commissioner Wilson explained that the parcel was zoned R-1 but that the County had erroneously issued building permits for an I-4 lot, the same zoning as the adjacent lot.

Gerald Lyons, 10705 Old Colchester Road, Mason Neck, representing Mason Neck Citizens Association, had voted to oppose the Out-of-Turn Plan Amendment at the general membership meeting on May 24, 2005. He said that the Mason Neck community had a long standing desire not to allow building on this site because of its proximity to the community, traffic concerns, and stormwater drainage that would be caused by construction. (A copy of his remarks is in the date file.)

In response to a question from Commissioner Byers, Mr. Lyons said that if the State approved a permit for a sewage treatment package plant, the Environmental Protection Agency might not find it acceptable since the site was located in a watershed.

At Commissioner Wilson's request, Mr. Lyons submitted for the record his exhibits shown during his testimony, copies of which are in the date file. Responding to questions from Commissioners Wilson and Byers, Mr. Lyons explained how he had achieved his estimate for the number of houses that could be built on the application property, and said he felt that newer technology might alleviate future problems of failing septic fields.

Sallie Lyons, 10705 Old Colchester Road, Mason Neck, spoke in opposition to the application and pointed out that both of the properties were archeologically sensitive and that if the sewage package plant was put in, the conduit to the river would probably destroy the archeological finds. She said that the land had been a subject of interest by the County for a park and that one of the application parcels would revert to County ownership.

Commissioner de la Fe commented that although the staff report stated that certain parts of the land were of interest to the Park Authority because of the archeological and prehistoric remnants present, the Park Authority did not want the land.

The Commission had no further comments or questions and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Byers for action on this case. (A verbatim excerpt is in the date file.)

//

Commissioner Byers MOVED THAT THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS APPROVE THE STAFF RECOMMENDATION ON OUT-OF-TURN PLAN AMENDMENT S05-IV-LP1, AS SHOWN IN THE STAFF REPORT ON PAGES 7 THROUGH 9.

Commissioner Lusk seconded the motion which carried unanimously with Commissioners Alcorn and Harsel absent from the meeting.

//

RZ 2004-MV-020 - GUNSTON CENTER LLC - Appl. to rezone from R-1 and I-4 to R-1 and I-4 to permit industrial use and open space with an overall Floor Area Ratio (FAR) of 0.30 on parcel 41 only, and a waiver of minimum lot width requirement on both parcels. Located E. of Route 1, W. of Richmond, Fredericksburg and Potomac Railroad tracks and N. and S. of Furnace Rd. on approx. 14.07 ac. of land. Comp. Plan Rec: Alternative Uses. Tax Map 113-3 ((1)) 40 and 41. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Inda Stagg, with Walsh, Colucci, Lubeley, Emrich & Terpak, PC, reaffirmed the affidavit dated May 17, 2005. There were no disclosures by Commission members.

Regina Murray, Zoning Evaluation Division, Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Ms. Stagg explained that although the current and proposed zoning classification for parcel 41 was I-4, without a wastewater treatment option, the property could not be used for industrial purposes. She said because a septic system was not a valid option, the applicant was pursuing a

connection to the public sewer instead of the installation of a private sewage treatment plant. Ms. Stagg noted that the applicant, via proffers, had proposed restrictions on the property which included prohibiting all active use of parcel 40 and restricting the traffic flow pattern out of the property. She said the applicant had committed to the dedication of parcel 40 to the County, to provide a landscape buffer, and to make improvements to Furnace Road. She noted that the application had the support of staff, the South County Federation, and the Mt. Vernon Council of Citizens.

In response to a question from Commissioner de la Fe, Ms. Stagg and Chuck Dunlap, engineer with Walter L. Phillips, Incorporated, said that due to the location of the existing sewer line, the route for the proposed line and facilities need to cross parcel 40 but would thread through the existing utility lines and fiber optic cables.

Ms. Stagg, in response to a question from Commissioner Lawrence, said that archeological studies had been previously done on the property and the historic sites had been identified. Richard Minchik, agent for the applicant, said that the defined width of the proposed sewer line was relatively restricted and that because of various utility companies' easements, many of the archeological aspects of the site had already been disturbed. He stated his willingness to address the concerns presented this evening.

Responding to a question from Commissioner Byers, Ms. Stagg said that Michael F. Johnson, Heritage Resources Specialist, County Archaeology Services, Fairfax County Park Authority, had surveyed the site and that a formal archeological survey completed by Thunderbird Archeological Associates had been submitted with the original application to the Zoning Evaluation Division of DPZ. She said that the proposed location of the sewer line would not interrupt any identified archeological sites, including the historic Colchester house site.

Answering a question from Commissioner Byers, Mr. Dunlap said since the proposed sewer line would be private, he did not believe the Virginia Department of Transportation would permit the applicant to cross its right-of-way.

In response to a question from Commissioner Hart, Ms. Stagg said that she would add language to Proffer Number 2 clarifying that extra care would be taken during construction when in proximity to the archeological sites.

Commissioner Hart thanked staff for revisiting the rezoning application after his concern about the off-site septic system had been raised at the original hearing.

In response to a question from Commissioner Hall, Ms. Murray said that the archeological survey may have been passed on to the Fairfax County Park Authority.

Ms. Stagg, responding to questions from Commissioners Hall and Wilson, said that when the site plan was approved, the property would be turned over to the County and the sewer would be constructed at that time. She noted that the width of the easement for the sewer line would be approximately 15 feet wide.

Chairman Murphy called the first listed speaker.

Joseph Chudzik, 10916 Harley Road, Mason Neck, said he was opposed to the application for the same reasons stated in his remarks concerning the Out-of-Turn Plan Amendment.

There were no further speakers; therefore, Chairman Murphy called upon Ms. Stagg for rebuttal remarks to which she declined.

Ms. Murray reminded the Commission that the revised proffers dated May 19, 2005, distributed at the last Planning Commission meeting, had a minor change to Proffer Number 2 that might make the language more acceptable, as requested.

There were no further comments or questions from the Commission; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Byers for action on this application. (A verbatim transcript is in the date file.)

//

Commissioner Byers MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON RZ 2004-MV-020 TO A DATE CERTAIN OF JUNE 15, 2005, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENT.

Commissioner Hall seconded the motion which carried unanimously with Commissioners Alcorn and Harsel absent from the meeting.

//

The meeting was adjourned at 9:40 p.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Susan M. Donovan

Approved on: _____

Linda B. Rodeffer, Clerk to the
Fairfax County Planning Commission